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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JONATHAN DONNER,

Petitioner,

VS.

STATE OF NEVADA, *et al.*,

Respondents

Case No. 2:20-cv-01913-RFB-VCF

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE
RESPONSE (FIRST REQUEST)**

Respondents, by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, and SHERYL SERREZE, Deputy Attorney General, hereby respectfully move this Court for an order granting a sixty (60) day enlargement of time, to and including Friday, January 13, 2023, in which to file and serve their response to Jonathan Donner's first amended petition for writ of habeas corpus. The response is currently due on November 14, 2022.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

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1 There have been no prior enlargements of Respondents' time to file said response; the Assistant
2 Federal Public Defender assigned to this case has no objection to the request; and this motion is made
3 in good faith and not for the purposes of delay.

4 RESPECTFULLY SUBMITTED this 7th day of November, 2022.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Sheryl Serreze
8 SHERYL SERREZE (Bar. No. 12864)
9 Deputy Attorney General

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Case No. 2:20-cv-01913-RFB-VCF

DECLARATION OF COUNSEL

I, SHERYL SERREZE, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Bureau of Criminal Justice, Post-Conviction Division, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. By this motion, I am requesting a 60 (sixty) day extension of time, to and including Friday, January 13, 2023, in which to file and serve a response to Jonathan Donner's (Donner) first amended petition for writ of habeas corpus. The response is currently due on November 14, 2022. There have been no prior enlargements of Respondents' time to file said response

3. Donner's counseled first amended petition was filed on September 15, 2022. ECF No. 24. Pursuant to the scheduling order previously entered by this Court, a response is due on November 14, 2022. ECF No. 13:19-21.

4. Although undersigned counsel has been working diligently on this matter, she has the following deadlines in the 9th Circuit Court of Appeals in the next 30 days: (1) *Giles Manley v.*

1 *Warden, et al.*, case no. 21- 16401 (Answering Brief due 11/18/2022); (2) *Robert Leeds v. Russel, et*
2 *al.*, case no. 21-16813 (Reply Brief due 11/30/2022).

3 5. Undersigned counsel also has the following upcoming deadlines in the U.S. District Court
4 for the District of Nevada in the next 60 days: (1) *McKnight v. Baker*, case no. 3:17-cv-00681-MMD-CBC
5 (Response to Amended Petition for a Writ of Habeas Corpus due 11/11/2022); (2) *Harris v. Wood, et al.*,
6 case no. 2:16-cv-02891-APG-CWH (Answer to Remaining Claims in Fourth Amended Petition for a Writ
7 of Habeas Corpus due 11/14/2022); (3) *Greene v. Ruebart, et al.*, case no. 2:07-cv-00304-CSD-DJA
8 (Death Penalty)(Answer to Remaining Claims due 11/21/2022).

9 6. Undersigned counsel is also second chair on the following Wrongful Conviction
10 Compensation Cases under newly enacted Nev. Rev. Stat. 41.900, *et. seq.*, which have the following
11 upcoming deadlines: (1) *In The Matter Of The Wrongful Conviction Of Robert Coache*, Eighth Judicial
12 District Court case no. A-20-825952-C (Trial Date Set: February 6, 2023 at 9:00 a.m. in Department
13 XXIX); (2) *In The Matter Of The Wrongful Conviction Of Willie J Smith, Jr.*, Eighth Judicial District
14 Court case no. A-20-818953-P (Awaiting Hearing on Motion for Default); (3) *In The Matter Of The*
15 *Wrongful Conviction Of Kyle Turpin*, Eighth Judicial District Court case no. A-21-841510-W (Awaiting
16 Briefing Schedule from Nevada Supreme Court); *In The Matter Of The Wrongful Conviction Of Kirstin*
17 *Blaise Lobato*, Eighth Judicial District Court case no. A-19-806937-P (Supplemental Briefing on
18 Petitioner's Motion to Lift Stay due December 15, 2022).

19 7. On November 7, 2022, I contacted the Assistant Federal Public Defender, assigned to
20 this case, Alicia R. Intriago. As a matter of professional courtesy, Ms. Intriago had no objection to this
21 request. This lack of objection should not be considered as a waiver of any procedural defenses or
22 statute of limitations challenges or construed as agreeing with the accuracy of the representations in this
23 motion.

24 8. This motion for enlargement of time is made in good faith and not for the purpose of
25 unduly delaying the ultimate disposition of this case.

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1 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the
2 foregoing is true and correct.

3 Dated: 11/7/2022

4 /s/ Sheryl Serreze
5 SHERYL SERREZE

6 **ORDER**

7 IT IS SO ORDERED.

8 Dated this 7th day of November, 2022.

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11 RICHARD F. BOULWARE, II
12 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 7th day of November, 2022, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSE (FIRST REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

Alicia R. Intriago
Assistant Federal Public Defender
411 E. Bonneville Ave Ste 250
Las Vegas, NV 89101
Alicia_intriago@fd.org

/s/ Brittany J.